

SCANNED

(Name and Address of Plaintiff's Attorney)
Rusley Robinson Jr.,
P.O. Box 1050
Soledad, CA 93960

FILED

MAY 15 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

United States District Court
Northern District Of California
San Jose Division

RUSLEY ROBINSON JR.,
Plaintiff,

v.

TARA DOETECH,
Defendant. /

EJD
Case No. C 18-03729 ~~LNK~~

Notice Of Motion

Date;

Time;

Dept;

To The Courtroom Deputy, Irene Mason and United
States District Judge, Lucy H. Koh;

The Plaintiff in the above-entitled action hereby moves this
Court for an Order of Summary Judgment, Rule 56, FRCP, in favor for
the plaintiff. This motion is based on the pleadings which demonstrates
that there is no need to resolve any factual questions at trial.

(Name and Address of Plaintiff's Attorney)

Rusley Robinson Jr. #K-12420

P.O. Box 1050

Soledad, CA 93960

United States District Court
Northern District Of California
San Jose Division

RUSLEY ROBINSON JR.®
Plaintiff,

v.

TARA DOETECH,
Defendant.✓

Case No. C-18-03729 LHK

Plaintiff's Motion For Summary
Judgment, FR Civ. P. 56 and
under Civil L.R. 7-2.

I Rusley Robinson Jr., the attorney-in-fact for inmate/plaintiff, RUSLEY ROBINSON JR.®, an entity having legal identity separated from its owner, by restricted appearance and special visitation in this matter. This is plaintiff's Notice Of Motion and Motion For Summary Judgment, FR Civ. P. 56 and under Civil L.R. 7-2. Your Honor, for the record in this said visitation, I am here as a third-party intervener in what I see as a "dispute of title". I have the Superior title and claim, UCC-1 # 09-7203573076, Secured Party Creditor ID, as an

attachment to the amended complaint. I request that evidence of the plaintiff's claim be entered as evidence. The Court MUST grant impersonam Jurisdiction to get to the bottom of the issue. I saw the Court Cases #95-3594 and #95-6265 of the California Superior Court, County Of Yolo, I losted on because equity is the only Jurisdiction cognizable of my right, and my rights were trampled in said lower Court cases, and I'm making a prima facie claim, I saw it as "trust res", UCC-1 #09-721684 2362. I have declared in MY complaint that I'm a Private Citizen under section 1 of the 14th amendment of the U.S. Constitution. The Asseveration And Declaration Of Status was filed on October 09, 2012 and Notice And Affidavit Of Default was filed on November 18, 2012 and was an attachment to the amended complaint. This is in law, LAWFUL PUBLIC NOTICE of MY Status, and a established agreement with the Governor, Attorney General and Secretary Of State having never, nor can ever lawfully claim authority and Jurisdiction over ME in his natural state. This is a prima facie case in case number C-18-03729 and ultimate, being undisputed.

In a fiction of law, equity is always present. Good Judges decide according to what is just and right, and prefer equity to strict law. If anything is deficient in formal requisites, where equity requires it, it should be supplied. Equity follows the law, the law regards equity. That which is equitable and right is the law of laws.

The grantor, the grantee, the trustee and beneficiary. That is it. There is no other titles. Judicature Act 1873, NOTICE, I have a conflict with the rules of law. Yes, I got a ticket of driving on suspended license, your right. I broke the letter of the law, but I did not break the substance of the law, the Spirit of the law, is that I didn't hurt defendant, TARA DOETECH and I didn't damaged any of her property. When ever there is a conflict with the rules of law and the rules of equity over the same matter, the rules of equity will prevail. Supreme Court, Michigan 1957, Mac v. Concrete Wall, The Chief Justice says, there is only one Jurisdiction, equity, that annihilates and completely goes the other direction of at law. Equity does Justices and righteousness. What is right, not what is law.

Equitable Remedies;

Granting The Summary Judgment In Favor Of Plaintiff; Nothing is more conformable to natural equity than to confirm the intention of the owner who desire to transfer his property. I am entitled to transfer for the benefit of (Rusley Robinson Jr., the Cestui Que beneficial owner) from the "CALIFORNIA DEPARTMENT OF CORRECTIONS", a subsidiary of STATE OF CALIFORNIA, to third party, LEANA ROBINSON, c/o 2611 Eriw Drive, Sacramento, CA 95833; A permanent injunction enjoining defendant, the entities, TARA DOETECH, governmental entity,

BOARD OF PAROLE HEARINGS, and governmental entity, CALIFORNIA DEPARTMENT OF CORRECTIONS, a subsidiary of STATE OF CALIFORNIA, from filing ANY document which purports to create a decision/order against the plaintiff, an entity, RUSLEY ROBINSON JR.[®], A plaintiff seeking a preliminary/permanent injunction must satisfy a four-factor test: (1) it has suffered an irreparable injury; (2) remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; (4) the public interest would not be disserved by a permanent injunction.

Under the first factor, plaintiff has established irreparable harm by defendant filing a decision/order on 01-08-15. The plaintiff deserve protection from defendant filing which plaintiff is not in agreement/contract/performance in the future.

Second, the remedies available at law, such as damages are inadequate to compensate for injury suffered. Absent an preliminary/permanent injunction, plaintiff has no recourse to STOP defendant, the entities, TARA DOETECH, governmental entity, BOARD OF PAROLE HEARINGS, and governmental entity, CALIFORNIA DEPARTMENT OF CORRECTIONS, a subsidiary of STATE OF CALIFORNIA from filing a decision/order against the plaintiff. Thus, the second prong is satisfied

Third, because defendant filing a decision/order against the plaintiff which he is not in agreement with, defendant will not be injured by an preliminary/permanent injunction preventing her or others acting on their behalf, from filing similar documents presently and in the future. In light of the irreparable injury resulting from defendant filing a decision/order against plaintiff, the balance of hardships weights in favor of plaintiff.

Finally, the public's interest in safeguarding the administration of a self governed individual and the prevention of abuse and harassment of a Private Citizen, Supports imposition of a permanent injunction. Therefore, the public interest would not be disserved by the issuance of a permanent injunction against defendant, governmental entity, BOARD OF PAROLE HEARINGS, a subsidiary of STATE OF CALIFORNIA.

Alternative Relief:

Rule 16(b) requires the Judge to enter a scheduling order, 120 days after the complaint is served, for setting the dates for pretrial conference and trial.

Memorandum Of Points And Authorities

The Cestui Que Trust Is In The Trading With The Enemy Act of 1917,
UCC-1 #09-7203573076, Secured Party Creditor Identification.

Section 1 of the 14th amendment of the U.S. Constitution.

Asseveration And Declaration Of Status.

Notice And Affidavit Of Default.

eBay Inc. v. Merc Exchange, LLC, 547 U.S. 388, 391 (2006).

Weinberger v. Romero-Barcelo, 456 U.S. 305, 311-13 (1982).

UCC-1 # 09-7216842362, Prima Facie Claim.

Under penalty of perjury, I Certify that the foregoing is true and correct.

SIGNED, SEALED and date this 10th day of May 2019 at Soledad,
CA 93960.

RUSLEY ROBINSON JR., TRUST

"By: Rusley Robinson Jr. (Agent)
Attorney For (Plaintiff)

PROOF OF SERVICE BY MAILBY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, RUSLEY ROBINSON JR. @, declare:InhabitantI am over 18 years of age and a party to this action. I am a ~~resident~~ of _____Salinas Valley State Prison,in the county of Monterey,State of California. My prison address is: P.O. Box 1050,Soledad, CA 93960On May 10, 2019,
(DATE)I served the attached: Notice Of Motion and Plaintiff's Motion
For Summary Judgment.
(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional

institution in which I am presently confined. The envelope was addressed as follows:

Office Of The Clerk, U.S. Dis. Court
Northern District Of California
280 South First St. Room 2112
San Jose, CA 95113-3095Attorney General Office
Hay-Mie Cho
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 05-10-19
(DATE)"By: Rusley Robinson Jr. / Agent"
(DECLARANT'S SIGNATURE)